## STATUTORY INSTRUMENTS

# 2004 No. 3169

# CRIMINAL LAW, ENGLAND AND WALES

The Penalties for Disorderly Behaviour (Form of Penalty Notice) (Amendment) Regulations 2004

Made - - - - 2nd December 2004

Laid before Parliament 3rd December 2004

Coming into force - - 26th December 2004

The Secretary of State, in exercise of the powers conferred upon him by section 3(3) (having regard to the definition of "prescribed" in section 3(4)) of the Criminal Justice and Police Act 2001(1), and section 26(3)(b) of the Welsh Language Act 1993(2), hereby makes the following Regulations:

- 1. These Regulations may be cited as the Penalties for Disorderly Behaviour (Form of Penalty Notice) (Amendment) Regulations 2004 and shall come into force on the twenty fourth day after the day on which they are made.
- **2.**—(1) The Penalties for Disorderly Behaviour (Form of Penalty Notice) Regulations 2002(3) are amended as follows.
- (2) In regulation 2, after "the form of penalty notice" there is inserted "to be given to a person, aged 16 or over,".
  - (3) After regulation 2, there is inserted—
    - "3. The form of penalty notice to be given to a person, aged under 16, prescribed for the purposes of section 3(3) of the Criminal Justice and Police Act 2001 is—
      - (a) in the case of a penalty notice issued in England, that set out in Part I of Schedule 2 to these Regulations; and
      - (b) in the case of a penalty notice issued in Wales, that set out in Part II of that Schedule.".
- (4) For the heading to the Schedule there is substituted "FORM OF PENALTY NOTICE TO BE GIVEN TO A PERSON AGED 16 OR OVER".
- (5) After that Schedule there shall be inserted, as Schedule 2, the Schedule set out in the Schedule to these Regulations.

<sup>(1) 2001</sup> c. 16.

<sup>(2) 1993</sup> c. 38.

<sup>(3)</sup> S.I. 2002/1838.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Home Office 2nd December 2004 Scotland of Asthal Q.C. Minister of State

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#### **SCHEDULE**

Schedule to be inserted in the Penalties for Disorderly Behaviour (Form of Penalty Notice) Regulations 2002

# "SCHEDULE 2

Regulation 3

### FORM OF PENALTY NOTICE GIVEN TO A PERSON AGED UNDER 16

### PART 1 PART 3A XXXXXXXXX POLICE JUVENILE PENALTY NOTICE PENALTY AMOUNT £ INFORMATION FOR THE IMMEDIATE ATTENTION OF THE JUVENILE RECEIVING THIS NOTICE IMPORTANT - READ THE NOTES ON THIS FORM REQUESTING A COURT HEARING PART 1 RECIPIENT COPY If you wish to contest the issue of this notice and have <u>year</u> case hand in a court of law you DETAILS OF JUVENILE: SURNAME Write your name and address in BLOCK LETTERS in the space provided in part 2 of this penalty notice the other side of the silp at the bottom of this serice! Detach the stip along the perforation and send it to the address shown on the silp. If you choose to request a court hearing you <u>mand</u> do so either by returning part 2 of this partially notice or the renifring plaing year despits and an addisso at which a summore may be served on you. The summores within the you where and when the start occur. Only the recipient of this Penalty Motice this possion named in part 11 may request a hearing. DATE OF BIRTH Iddmin ADDRESS IF YOU HAVE ANY OTHER ENQUIRIES ABOUT THIS NOTICE PLEASE CONTACT THE OFFICE SHOWN AT PART 3 POST CODE IMPORTANT Information for the attention of the parent/guardian of AT (LOCATION) the juvenile to whom this notice has been issued. Full details of how to pay this penalty notice will be sent to you shortly. OFFENCE CODE XXXXXXXXX POLICE JUVENILE PENALTY NOTICE PENALTY AMOUNT £ YOU (offence particulars) PART 4 CTO COPY PN No CONTRARY TO (Act containing offence) DETAILS OF JUVENILE: SURNAME Street PLACE OF ISSUE: Custody FORENAMES I acknowledge receipt of this Penalty Notice Signature . ISSUED BY: Warrant No. Division POST CODE Rank PART 2 XXXXXXXXX POLICE AT (LOCATION) PLEASENOTE: COMPLETE THIS (PART 2HF YOU WISH TO REQUEST ACCURT HEARING. ONCE COMPLETE SEND THIS SLIP TO THE ADDRESS SHOWN BELOW. I wish to be dealt with by a court for the alleged offence described in part 1 of this OFFENCE CODE NAME ACORESS ... YOU (offence particulars) ..... POST CODE CONTRARY TO (Act containing offence) Street PLACE OF ISSUE: Send to: The Officer in Charge, Central Ticket Office (Disorder Offences Section PO Box 510, London, SW1V 2JP. Lacknowledge receipt of this Penalty Notice Signaßure (SSUED BY:

Warrant No. Bank

PART 5 Details of Parent / Guardian	XXXXXXXXX POLICE JUVENILE PENALTY NOTICE PENALTY AMOUNT £
TITLE SURNAME	TENETT ANDONE E
	PART 6B
FORENAMES	STATEMENT OF WITNESS (C.J. Act 1987, S. 9: M.C. Act 1980, ss.5A(3)(a) & 58; M.C. Rules 1981, r. 70)
ANNECE	IMPORTANT INFORMATION: REMOVE PARTS 1-5 BEFORE WRITING ON THIS PAGE
ADDRESS	STATEMENT OF (name)
POST CODE	Age Occupation
XXXXXXXX POLICE JUVENILE PENALTY NOTICE PENALTY AMOUNT 6	This statement, signed by me, is true to the best of my knowledge and belief: Imake it knowledgehat, if it is tendered in evidence, is half be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
DETAILS OF JUVENILE	
PART GA PN No.	
MUST BE COMPLETED	
ADDITIONAL DETAILS OF JUVENILE	
Gender: M F KC Code SD Code	
Notice Issue Date (CTO only)	
3rd Party Witness Statement: Particulars Obtained?	
y N N	
Notebook No.	
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Local Authority Code	
Custody (Pic) No.	
Custody (Fig. No.	
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IMPORTANT INFORMATION: ANY STATEMENT OFFERED BY THE SUSPECT OR A 3RD PARTY	SIGNED RANK/GRADE/No.
WITNESS SHOULD BE RECORDED IN YOUR POCKET NOTEBOOK	DIVISION/UNIT
MEIGHT: Rt. In. BUILD	
	DETAILS OF OFFICER CORROBORATING EVIDENCE
COMPLEXION	NAME
DESCRIPTION and/or VISIBLE DISTINCTIVE MARKS AND FEATURES	OFFICER NO.
DESCRIPTION SHOWS YOURGE DISTINCTIVE REALING AND PEATONES	SIGNEO (sig)
	NOTEBOOK No.
	DATE
REPLY TO CAUTION	
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AT [time] ON [date]	
VD CHECKS MADE AT POINT OF ISSUE [e.g. documents seen]	
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Ynayol/Phono Cand   IND Card   PNC   Redic   Other	
SpecifyOther Detailsreig contingsportnei	
Fingerprints taken  Photograph taken  OKA taken	

# PART 2

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				<ol> <li>Torrwch y slip ar hyd y llinell deredig a'i anfon i'r cyfeiriad sydd ar y slip.</li> </ol>				
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					on Illawn ynghylch yn yn cael eu hanf			ad cosb
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Rhif HC CYFENW				
	RHAN 6B			
	DATGANIAD TYST			
ENWAU CYNTAF	(Deddf C.T. 1967, A 9; Deddf Li. Yn. 1988, ie-ad. \$4(3)(a) a 58; Ffheoleu Li. Yn. 1981, rh. 70)			
CYFEIRIAD	GWYBODAETH BWYSIG:			
CTEINAD	TYNNWCH RANNAU 1-5 CYN YSGRIFENNU AR Y DUDALEN HON			
	DATGANIAD (Enw)			
CÓD POST	OedGwaith			
	Mae'r datganiad hwn, wedi ei arwyddo gennyf i, yn wir hyd eithaf fy			
HEDDLU XXXXXXXXX HYSBYSIAD COSB (HC) POBL IFANC SWM Y GOSB £	ngwybodaeth a'm cred: ac fe'i gwnaf gan wybod, pe cyflwynwyd ef fel tystiolaeth, y gellid fy erlyn os wyf wedi dweud unrhyw beth ynddo y gwn ei fod yn ffug neu na chredaf ei fod yn wir.			
MANYLION YR UNIGOLYN IFANC				
RHAN 6A Rhif HC				
RHAN 6A Rhif HC				
MAE'N RHAID EI GWBLHAU				
MANYLION YCHWANEGOL AM YR UNIGOLYN IFANC				
Rhyw: G B Côd Adn Côd HDd				
niyw. G S COOKE COOKE				
Gwaith				
Datganiad Tyst sy'n 3ydd parti: A gafwyd manyllon?				
Do Na				
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Côd Awdurdod Lleol				
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GWYBODAETH BWYSIG:				
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CYNHALIWYD GWIRIADAU ADNABOD WRTH GYFLWYNO (e.e. gwelwyd dogfennau)				
Cerdyn Adnabod Pasbort Cerdyn Banc/Credyd Pas bws				
Cerdyn Teithio/Llun Cerdyn IDN PNC Radio Arall				
Manylion "Arall"				
Manylion (e.e. rhif cerdyn / pasbort)				
Cymerwyd Olion Bysedd 🔲 Tynnwyd Llun 🔲 Cymerwyd Sampi DNA 🗌				

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# **EXPLANATORY NOTE**

(This note is not part of the Regulations)

These Regulations amend the Penalties for Disorderly Behaviour (Form of Penalty) Notice Regulations 2002 (S.I.2002/1838) to prescribe the form of penalty notice that must be issued by a constable in dealing with a penalty offence committed by a person who was aged under 16 at the time he committed the offence giving rise to the penalty notice. The minimum age at which a penalty notice for disorderly behaviour can be given under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 is changed from 16 to 10 by the Penalties for Disorderly Behaviour (Amendment of Minimum Age) Order 2004 (S.I. 2004/3166).